



**To go to a specific section
in the Victims' Rights
brochure, click on the
 or  icon in the
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on "Bookmarks."**



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RICHARD M. ROMLEY
MARICOPA COUNTY ATTORNEY

Victims' Rights

Your Guide to the Criminal Justice System



**MARICOPA COUNTY
ATTORNEY'S OFFICE**

RICHARD M. ROMLEY
Maricopa County Attorney



A LETTER FROM THE MARICOPA COUNTY ATTORNEY

All too often a crime causes many hardships for victims and witnesses. While you, as a victim, may be struggling with the emotional and financial ramifications of a crime, you may also be involved in the criminal justice system. It is my intention that your participation in the criminal justice process not cause you additional hardships.

It is my hope that we can work together as a team to effectively prosecute those who have broken the law. The Maricopa County Attorney's Office serves the public as an advocate for the State and as a voice for you, the victim. I am committed to seeing that you are treated with fairness, dignity and respect. The criminal justice system needs your cooperation and participation if we are to succeed in our goal of deterring crime and preserving the safety of our community.

For most people, the criminal justice system is very complicated, with rules, procedures and terminology that is unknown to them. We have prepared this brochure to help you understand the process that we must go through to prosecute a person accused of committing a crime and to help you understand your rights as a victim. If you have any questions or concerns related to your participation in the criminal justice process. I encourage you to contact the Victim Witness Division at (602) 506-8522. The Victim Witness Division has been established to provide you with information about the court system, social service assistance and as a communication link with the criminal justice system.

It is my commitment to the public that the Maricopa County Attorney's Office shall vigorously prosecute those who have broken the law while being responsive to your needs as a victim. Together, as a team, we can make our community a safe place to live.

Sincerely,

A handwritten signature in black ink, which appears to read "Richard M. Romley". The signature is stylized and includes a long, sweeping horizontal stroke at the end.

Richard M. Romley
Maricopa County Attorney

**WORKSHEET FOR
IMPORTANT NUMBERS
AND DATES**

Defendant's Name(s): _____

Case Number: _____

Charges: _____

Law Enforcement Case Number: _____

Detective: _____

Phone # _____

Deputy County Attorney: _____

Phone # _____

Victim Witness Advocate: _____

Phone # _____

Pre-Sentence Investigator: _____

Phone # _____

Preliminary Hearing Date: _____

Arraignment Date: _____

Pretrial Hearing Date(s): _____

Trial Date: _____

Sentencing Date: _____

Judge's Name: _____

Defense Attorney's Name: _____

Other Names and Numbers: _____

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VICTIMS' RIGHTS IN ARIZONA

In Arizona, victims of adult crime have been given many rights from the State Constitution, Arizona law and Court Rule. This brochure will help you to understand your rights and some of the procedures you need to follow to exercise your rights.

To exercise many of your rights, you must make a request to the governmental agency responsible for performing that duty. Each agency may have different procedures for invoking your rights, including requiring that you fill out that agency's specific request form.

As soon after the detection of a crime, the law enforcement agency investigating the crime has the duty to provide you with a "Pre-Conviction Request Form" (if it does not interfere with their investigation or arrest of the suspect). This form allows you to request (invoke) or not request (waive) your applicable rights to which you are entitled.

Victims' Rights During Investigation

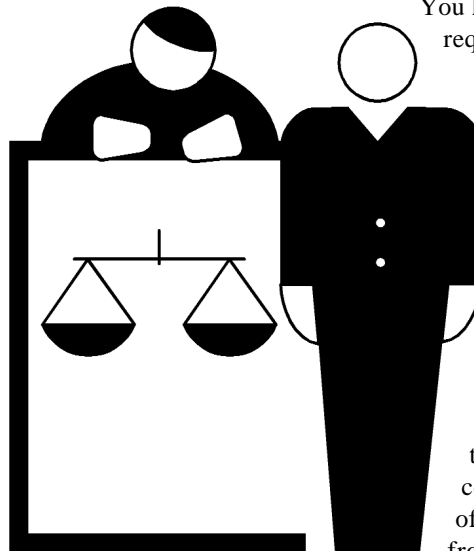
The law enforcement agency investigating the crime has the duty to provide you with information about your rights and how to request them, emergency services available to you, and information about the arrest and initial appearance of the offender (when they become aware of the court date). In addition, the law enforcement agency has the duty to:

- tell you whether the suspect is an adult or juvenile;
- tell you of the suspect's arrest, at the earliest opportunity;
- tell you about how to get information about court dates if the offender is issued a citation;
- tell you about domestic violence services; and
- provide you with information about public and private victim assistance programs, including the county victim compensation program and programs that provide counseling and other support services.

If you request the return of your property, the law enforcement agency will consult with the prosecuting attorney and make reasonable efforts to return your property to you as soon as possible or inform you why the property may not be returned. If your property has

been admitted as evidence during a trial or hearing, the court may order its release to you if a photograph can be substituted.

If the Maricopa County Attorney's Office has made the decision to not prosecute a case, the office will notify the listed victim(s) of the decision and of the victim's right to confer with the prosecutor prior to the decision becoming final. If you receive this letter, and you want to exercise your right to confer, you must contact the telephone number listed within 10 days of the date on the letter. If you do not do this, the decision becomes final unless additional significant information comes to the attention of the police.



You have the right to request that the Maricopa County Sheriff notify you of the escape or the release of the offender from custody on a bond. You also have the right to request a copy of the terms and conditions of the offender's release from custody from

the Sheriff's Office (if the offender was arrested) or the prosecutor's office when the prosecutor's office receives the information from the court (if the offender was ordered to appear in court on a summons). The prosecutor's office will provide you with information about the defendant's initial appearance in court, if the defendant was summoned to appear in court, when the prosecutor's office receives the information from the Court.

Victims' Rights Before Trial

If you have invoked your victims' rights, the Maricopa County Attorney's Office has the duty to inform you of the charges filed against the defendant.

The Maricopa County Attorney's Office is responsible for prosecuting felony offenses that occur within the county and misdemeanor offenses that occur within the county but outside the city limits. If you are the victim of a misdemeanor offense in which the offender receives a citation to appear in a Justice Court in Maricopa County, you should contact that court to request information about court dates. This office is not responsible for providing notification on misdemeanor citations.

After charges have been filed, the Maricopa County Attorney's Office or the Deputy County Attorney will:

- withhold your home address and telephone number; and name, address and telephone number of your place of employment from disclosure to the defendant and/or his/her attorney;
- tell you the name of the person within the County Attorney's Office to contact for more information;
- provide you with written notice, upon your request, of the date, time and place of court hearings that the court schedules at least 5 days in advance;
- attempt to provide you with verbal notice by telephone during business hours, upon your request, of the date, time and place of court hearing that the court schedules in less than 5 days;
- confer with you, upon request, prior to a hearing to release the defendant from custody, provided that the court has given this office adequate notice of the hearing;
- confer with you, upon your request, prior to entering into a plea agreement; and
- confer with you, upon your request, prior to trial.

Your right to confer with the prosecutor is an opportunity for you to get answers to your questions, to better understand the court system and the reason behind some legal decisions, and to express your opinion to the prosecutor. Your right to confer does not include the right to direct the prosecution of the case.

It is common for court dates to be continued. If you have an opinion about the continuance of a scheduled

court date, you should inform the Deputy County Attorney or Victim Witness Advocate by calling to let him or her know your opinion about a continuance. The Deputy County Attorney will inform the court if you do not want the court date to be continued. If the court decides to continue the case anyway, the court may state on the record the reasons for the continuance. If you choose not to attend a court hearing and wish to know if a hearing has been continued, you should call the court to inquire. This office will not provide separate notice of court continuances that are set for less than 5 days.

Victims' Right Regarding Pre-Trial Interviews

In Arizona, the attorney for the defendant has the right to interview all of the witnesses who will be testifying for the prosecution (the State). However, as a victim you have the right to refuse to submit to a pre-trial interview, deposition or other discovery request by the defendant's attorney or investigator. By law, if the defense attorney wants to interview you, he/she must make his/her request for an interview through the prosecutor after charges have been filed. This office will then ask you if you will agree to an interview with the defendant's attorney before trial. It is your decision if you will grant an interview.

If you grant an interview, you have the right to:

- refuse to be interviewed or to submit to a deposition conducted by a defendant who is acting as his/her own attorney;
- refuse to submit to an interview or deposition if the defendant is present; and
- terminate the interview at any time.

You have the right to place conditions on the interview or deposition. You have the right:

- to specify a reasonable date, time, duration and location of the interview or deposition;
- to be accompanied to an interview or deposition by a relative, or supportive person if that person is not a witness.

Victims of Sexual Assault or Dangerous Crimes Against Children

If you are the victim of a sexual assault or dangerous crime against children, any medical expenses arising out

of the need for the State to obtain evidence will be paid by the county. However, this does not include payment for medical treatment. You may be eligible for victim compensation for these expenses. (See page 14).

If you are the victim of sexual assault, sexual conduct with a minor or if you have been exposed to blood or bodily fluids of the defendant during the commission of a crime, you may request that the defendant submit to voluntary HIV testing (for the AIDS virus). If the defendant is tested, you have the right to be informed of the results. If the defendant refuses to submit to a test for the HIV virus, you may petition the court for the court to order the defendant to submit to such a test after the defendant has been convicted of the crime.

Domestic Violence

The Maricopa County Attorney's Office takes an aggressive stance against domestic violence. In cases of domestic violence, charges will not be dropped at the request of the victim. Such a request will only be one factor in deciding whether or not to proceed with prosecution.

In addition, Arizona law allows police officers, who respond to a domestic violence call, to question you about firearms which may be present in your home. Police officers may be able to seize firearms(s) if they feel you or someone else may be in danger.

"Crime Victim Advocate"

According to Arizona Statute, victims have the right to privileged communication with a "Crime Victim Advocate" who works for an agency that primarily provides counseling, treatment, or other supportive assistance. Because the Maricopa County Attorney's Office is a prosecutor's office and not a counseling agency, Victim Witness Advocates with the Maricopa County Attorney's Office, Victim Witness Division, are not "Crime Victim Advocates". This office has determined that you do not have privileged communication with a Maricopa County Attorney's Office Victim Witness Advocate. Victim Witness Advocates primarily assist you and the prosecutor by providing criminal justice information and victims' rights related services. A Victim Witness Advocate may

speak with the Deputy County Attorney without your written consent. However, if you want a "Crime Victim Advocate" (such as your counselor or therapist) to communicate with the Deputy County Attorney, you must provide written consent. If the "Crime Victim Advocate" communicates with the Deputy County Attorney with your consent, the Deputy County Attorney, by law, must provide the defense attorney with information that is discoverable.

Victims' Rights During Court Proceedings

During the court proceedings you have the right:

- to be present in the courtroom whenever the defendant has the right to be there, including trial;
- to be accompanied to any judicial proceeding by a relative or other supportive person unless that person is also a witness;
- to make a statement to the court at a proceeding in which the court considers the post-arrest release of the defendant, a change of plea, and at the sentencing;
- to have the court provide appropriate safeguards to minimize any contact that might occur between yourself and the defendant or the defendant's family or friends;
- not to testify regarding your address, telephone numbers, place of employment or other locating information unless you consent or the court orders disclosure on finding that a compelling need for the information exists;
- to ask the prosecutor to have the court reconsider the defendant's release from pre-trial custody. If the prosecutor decides not to do this, the prosecutor will inform you of that decision and of your right to petition the court to have the defendant's release revoked based upon your notarized statement that harassment, threats, physical violence or intimidation against you or your immediate family has occurred by the defendant or on behalf of the defendant;
- to have the court, prosecutor and law enforcement officials take appropriate action to ensure a speedy trial.

You may exercise your right to be heard in the form of an oral statement or it may be written, audio taped or

video taped. The Maricopa County Attorney's Office cannot assist you in audio or video taping your statement. If you, as the victim, are in custody, you may exercise your right to make a statement only by submitting a written statement to the court.

You have the right to be present at all criminal proceedings in which the defendant has a right to be present. However, you do not need to attend court proceedings unless you receive a subpoena, are court ordered, or have been asked to attend by the Deputy County Attorney. If you choose to come to court to watch the proceedings, you should check in with the Judge's secretary and/or the Deputy County Attorney so that the court and the prosecutor know that you are present.

The prosecutor may assist you in exercising your rights at any judicial proceeding, upon your request. However, if there is a conflict between you and the County Attorney's Office, you may hire your own attorney to assist you in exercising your rights as a victim. The prosecutor can provide you with referrals to legal assistance agencies.

Victims' Rights During Sentencing

After the defendant has entered a guilty or no contest plea or has been found guilty at trial of a felony offense, a pre-sentence investigation is conducted. You have the right to provide the Pre-Sentence Investigator with information regarding the emotional, physical and financial impact the crime has had on you and to state your sentencing recommendations.

You also have the right:

- to read the pre-sentence report when it is available to the defendant and, upon your request, to have the Maricopa County Attorney's Office provide you with a copy of the pre-sentence report, (this does not include the defendant's criminal history);
- to present evidence, information and opinions that concern the crime, the defendant, and the sentence to the Judge at the time of sentencing; and
- to have the court order the defendant to pay restitution for your economic losses directly related to the crime.

Victims' Rights After Sentencing

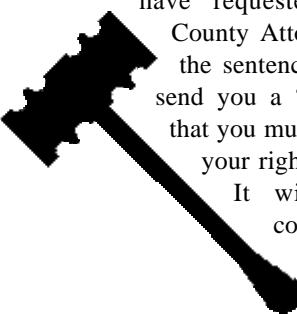
After the defendant has been sentenced, and if you have requested notification, the Maricopa County Attorney's Office will notify you of the sentence imposed by the court and will send you a "Post-Conviction Request Form" that you must complete if you want to request your rights to post-conviction notification.

It will be your responsibility to complete the form and to mail it to all of the governmental agencies that you want to inform you of hearings and events after the

defendant has been sentenced.

Upon request, you have the following rights:

- to be notified by the Board of Executive Clemency of a Parole Hearing and to state your opinion regarding the parole of the inmate from prison, if the defendant was sentenced to prison;
- to be notified by the Department of Corrections of the release or death of the inmate (if the defendant was sentenced to serve time in prison) or by the Maricopa County Sheriff's Office (if the defendant was sentenced to serve time in jail);
- to be notified by the Mental Health Treatment agency of the escape, release, or discharge of a person accused or convicted of committing the criminal offense;
- to be notified of any appeal of the defendant's conviction by the Attorney General's Office if the appeal was to a higher court and from the Maricopa County Attorney's Office if the appeal was to the trial court (called Post-Conviction Relief);
- to be notified by the Maricopa County Adult Probation Department of a revocation disposition, termination, or modification of probation if the modification will significantly affect the probationer's contact with or the safety of the victim or if the modification affects restitution or custody status (jail);
- to be present and make a statement at a probation revocation disposition, or any proceeding in which the court is requested to terminate probation, or modify any terms of probation that significantly affect the probationer's contact with or the safety of the victim



- or restitution or jail status; and
- to receive prompt restitution.

The Department of Corrections will notify all victims if an inmate escapes, even if the victim(s) did not submit a request for notice.

Who is the Victim?

By law, a victim is the person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused. If the victim is a business, the law allows limited rights, not all of those outlined in this brochure. If your business is a victim, please refer to **"Victims' Rights for Business Victims in Adult Court."**

If a criminal offense involves a specific crime, within a neighborhood that has registered as an association within the city, town or county clerk's office, the designated representative of the association is the victim. Neighborhood Associations have different rights than Individual and Business victims. Please refer to **"Neighborhood Associations Victims' Rights in Adult Court"** for more detailed information.

If you have designated another person to be a "lawful representative" on the "Pre-Conviction Request Form," this office will send notification and confer with your lawful representative, not you.

If the victim is a minor child, this office will consider the child's parent the lawful representative, if the parent is not the accused. If the child's parents live at two separate addresses, this office will provide notice and the right to confer to the parent who has custody. If the parents have joint custody, this office will ask the parents to designate one person as the lawful representative. If the parents cannot agree on the designated lawful representative, this office will ask the court to decide.

If the victim is incapacitated or deceased, the spouse, parent or child (according to the law of succession) shall be afforded all of the rights of the victim. If several members of the victim's family wish to exercise the victim's rights, this office will encourage the family to designate one person to exercise the victim's rights. If

the family is unable to do so, this office will ask the court to designate one member of the family.

If you, as the victim, have hired an attorney to help you exercise your victim's rights, this office will provide notice to your attorney and confer with your attorney, unless your attorney permits us to speak with you and send your notice to you. You should inform your attorney if you would prefer to receive notice and other information directly from this office.

If you have not invoked your rights for notification and you would like to fully exercise your rights at this time, it is important that you complete and return the "Pre-Conviction Request Form" provided by this office as soon as possible. If you have any questions, you should call the assigned Victim Witness Advocate.

It is important that you keep the Maricopa County Attorney's Office informed of your current name, address and telephone number. If we are informed by the Postal Service that notifications mailed to the address that you have provided are not deliverable, we will consider this a withdrawal of your request. This office will make an effort to notify you of hearings set on short notice only if you provide a telephone number(s) where you can be reached (or a message left) during business hours.

You may request or restore your rights at any time during the course of prosecution by calling the Maricopa County Attorney's Office Victim Witness Division. If the defendant has been sentenced, then you must complete the "Post-Conviction Request Form" and mail it to the appropriate agencies.

By law, a person has rights as a victim after the arrest or formal charging of the person(s) responsible for a criminal offense. If the final termination of a criminal prosecution is by dismissal with prejudice or acquittal, the victim no longer is entitled to such rights. If the defendant received a sentence of probation or prison, the victim has rights until the defendant has completed his/her sentence.

If you have any questions about your rights or your involvement in the criminal justice process, contact the Maricopa County Attorney's Office Victim Witness Division or the Deputy County Attorney prosecuting the defendant.

Business Victims' Rights in Adult Court

By law, a corporation, partnership, association or other legal entity that is a victim of a delinquent act has different rights because of its status as an artificial entity. Businesses that are victims of delinquent acts have the right:

- to have a lawful representative appear and be heard at any proceeding relating to restitution or sentencing of the defendant;
- to submit to the court a written statement containing information and opinions on restitution and sentencing;
- to request notification of the date and time of any proceeding relating to restitution or sentencing of the defendant; and
- to be present and heard at any proceeding relating to restitution or sentencing of the defendant.

Other rights that are provided to individual victims by constitution and law do not apply to business victims. Therefore, the lawful representative of a business victim cannot refuse a pre-trial interview conducted by the defendant's attorney, may not be allowed to be present in court whenever the defendant is allowed to be present, is not provided notification of court dates nor post-conviction events, etc.

It is important that business victims keep the Maricopa County Attorney's Office informed of the business' current address and telephone number. Failure to do so is considered a waiver of the business' right to notification.

Neighborhood Associations Victims' Rights in Adult Court

In order for a neighborhood association to invoke their victims' rights, the association must register with the city, town or county clerk's office in which the association is located. The neighborhood association must provide the name and telephone number of one person who will act on behalf of the neighborhood association and who will receive notice or invoke the rights for the association.

If the criminal offense involves one of the following crimes within a neighborhood, the neighborhood associ-

ation's designated contact person is the victim:

- Enticement of Person for Purpose of Prostitution, [A.R.S. § 13-3201];
- Receiving Earnings of Prostitute, [A.R.S. § 13-3204];
- Operating or Maintaining a House of Prostitution, [A.R.S. § 13-3208(B)];
- Pandering, [A.R.S. § 13-209];
- Marijuana Possession, Use, Production, Sale or Transportation, [A.R.S. § 13-3405];
- Dangerous Drugs Possession, Use, Administration, Acquisition, Sale, Manufacture or Transportation, [A.R.S. § 13-3407];
- Narcotic Drugs Possession, Use, Administration, Acquisition, Sale, Manufacture or Transportation, [A.R.S. § 13-3408];
- Using Building for Sale or Manufacture of Dangerous or Narcotic Drug, Fortification of a Building, [A.R.S. § 13-3421]; or
- Conducting a Chop Shop, [A.R.S. § 13-4702];

If the neighborhood association wishes to invoke victims' rights for one of the above referenced crimes that occurred in their neighborhood, the designated contact person must contact the law enforcement agency responsible for the arrest of the offender.

By law, the neighborhood association is afforded the following victims' rights:

- to have a designated contact person receive notice of the date, time of any proceeding involving the defendant;
- to have a designated contact person present at all criminal proceedings in which the defendant has the right to be present.
- to be present and heard at any proceeding relating to the sentencing of the defendant.

It is important that the designated contact person of the neighborhood association keep the Maricopa County Attorney's Office informed of his/her current address and telephone number. Failure to do so is considered a waiver of the neighborhood association's right to notification.

JURISDICTIONAL RESPONSIBILITIES

Investigation Information

Police Department	(see brochure provided by law enforcement for phone numbers)
Initial Appearance (arrest)	Police Department
Initial Appearance (summons)	Maricopa County Attorney's Office Victim Witness Division (602) 506-8522
Charging Information	Maricopa County Attorney's Office Victim Witness Division (602) 506-8522
Pre-Conviction Jail Release Notification	Maricopa County Sheriff's Office Detention Information Service (DIS) (602) 256-0322
Pre-Conviction In-Custody Status	Maricopa County Sheriff's Office Detention Information Service (DIS) (602) 256-0322
Pre-Conviction Court Date Notification	Maricopa County Attorney's Office Victim Witness Division (602) 506-8522
Sentencing Notification	Maricopa County Attorney's Office Victim Witness Division (602-506-8522)
Probation Notification	Maricopa County Adult Probation Department Records Unit (602) 256-0322
Prison Release Notification	Department of Corrections Victim Notification Unit (602) 542-5586
Parole Hearing Notification	Board of Executive Clemency Victims Unit (602) 542-5656
Higher Court Appeals	Arizona Attorney General's Office Victim Rights and Witness Assistance Program (602) 542-4911

Post-Conviction Relief

(Appeals to the Trial Court) Notification	Maricopa County Attorney's Office Victim Witness Division (602) 506-8522
Mental Health Treatment Facility Release Notification	Mental Health Treatment Facility (contact the hospital for information)



Require special accommodation due to a disability? Please contact the Victim Witness Division at 506-8522 three working days prior to the event. Hearing impaired: Arizona Relay Service 506-4294.

THE CRIMINAL JUSTICE SYSTEM

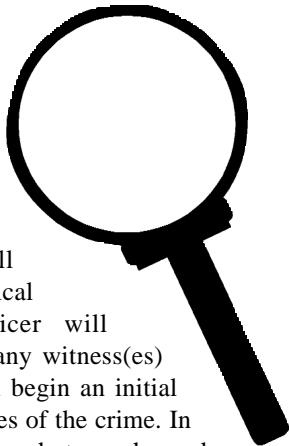
As a victim or witness to a crime, you will probably have many questions about what to expect when you are involved in the criminal justice process. The following is a brief description of the process that must be followed to prosecute a person accused of committing a felony offense. If the offense that was committed was a misdemeanor or if the person accused of committing a crime is a juvenile, the steps involved in prosecuting the offender are different. If you are the victim of an offense committed by a juvenile, please refer to “**Victims’ Rights in Juvenile Court.**” If a juvenile is transferred from the juvenile justice system to stand trial as an adult, the case will proceed through these same steps.

The Crime

When you are the victim or witness of a crime, you should immediately call 9-1-1 or the law enforcement agency (Police, Sheriff, or Department of Public Safety) which has responsibility for the area where the crime occurred. The best thing you can do is to call the law enforcement agency immediately; the longer you wait, the harder it will be to catch the criminal.

Initial Investigation

In most cases an initial investigation of a crime is conducted by a patrol officer who travels to the crime scene or the location of the victim, shortly after the crime is reported. Naturally, the officer will assist those who need medical attention. The patrol officer will interview the victim(s) and any witness(es) when he/she arrives and will begin an initial report listing the circumstances of the crime. In addition, an officer may take photographs and dust for fingerprints during an inspection of the scene.



Identification technicians, who are specialists, may also respond to the scene if there is a need to take special photographs of the crime scene or the victim, to record possible fingerprints, to collect physical evidence, and to draw a composite drawing of any suspects.

In certain felony cases, a Deputy County Attorney may be present at the scene to assist the police in the investigation of the crime.

The patrol officer then completes an incident report which is channeled to detectives who investigate that particular type of crime.

Follow-up Investigation

The patrol officer’s report is then reviewed by a sergeant or another ranking officer in the Detective Division. He/she assigns the case to a detective for a more complete follow-up investigation. Detectives may contact witnesses for a formal statement, may obtain further physical evidence, and may request further descriptions of suspects or stolen property. During the course of an investigation, photographic line-ups may be shown to victims and witnesses. These photographic line-ups may or may not contain the photograph of the offender.

Formal Charging Procedure

When the investigating officer believes that a suspect has been identified and that there is sufficient evidence, the case is presented to the prosecutor for review. If the offense is a felony that has been committed in Maricopa County or a misdemeanor that has been committed within the county but outside any city limits, a Deputy County Attorney with the Maricopa County Attorney’s Office will review the case. The Deputy County Attorney may request that the detective furnish additional investigative work to complete the case. If the prosecutor believes that the report provides sufficient evidence to indicate that the alleged offender has committed a crime, and if in his/her judgement the case has a reasonable likelihood of conviction at a trial,

the prosecutor will file a Criminal Complaint or seek an Indictment from the Grand Jury. Sometimes, the prosecutor determines that there is insufficient “legal evidence” to justify filing a Criminal Complaint.

If filed, the Criminal Complaint/Indictment is then presented to a Judge, who will either issue a warrant authorizing the arrest of the suspect or a summons requiring the suspect to appear in court on a specific day.

Arrest

When a defendant is arrested either near the scene of the crime or as a result of an arrest warrant, he or she is taken to jail. Within twenty-four (24) hours after the arrest, the defendant must be taken before a Judge or commissioner for an Initial Appearance. Many defendants are released at this time on their own recognizance (OR), a personal promise to return to court when required. When released on his/her own recognizance, the defendant is not required to post money bail or a bail bond because it is believed that he/she has sufficient community ties to assure his/her appearance. Defendants with serious records, those who have committed dangerous felonies, or those who have a history of not returning to court as required, are either held in jail or released after posting a cash bond. The amount of bond set by the Judge or commissioner depends on many factors including the type of crime for which the person has been arrested.

Most defendants are released after the Initial Appearance, but their travel is limited. Contact between the defendant and victims or witnesses is also restricted. It is against the law for anyone to harass or intimidate a witness. Any harassment should be reported to the police, the prosecutor, or the Victim Witness Division as soon as possible. Remember that if the harassment is not reported, it probably will not stop.

Preliminary Hearing/Grand Jury

After felony charges are filed, a hearing is scheduled to determine whether or not there is sufficient evidence (probable cause) to justify holding the defendant for trial. Probable cause is determined either by a Justice of

the Peace at a Preliminary Hearing or by a Grand Jury. A Grand Jury is made up of a group of citizens (usually 9-16 people), selected at random. In both proceedings, the victim(s) or witness(es) may be called to testify.

Sometimes charges against the defendant are dismissed because either the Justice of the Peace or the Grand Jury determine that there is insufficient evidence to justify a trial. If additional evidence comes to light at a later date, it is possible for charges to be refiled. If probable cause is present, the case is forwarded to Superior Court for further proceedings. This is accomplished by an Indictment issued as a result of the Grand Jury hearing or an Information that is filed by the County Attorney after the Preliminary Hearing.

A probable cause determination is not necessary if the offense charged is a misdemeanor.

Arraignment

The first appearance of the defendant in Superior Court is called an Arraignment. The Arraignment serves several purposes. First the defendant is informed, for the first time, of the exact nature of the charges against him/her. The defendant is also advised that he/she should have an attorney and if he/she cannot afford an attorney, one will be provided at public expense. The defendant is asked to enter a plea to charges against him/her. Normally, a plea of “not guilty” is entered and a pre-trial/status conference and a trial date are set. Defendants are entitled to a speedy trial. If the defendant remains in custody, a trial date must be set within one hundred twenty (120) days from initial appearance or ninety (90) days from arraignment, whichever is the lesser. Defendants released from custody on bail or personal recognizance must receive a trial date within one hundred fifty (150) days from initial appearance. In extraordinary circumstances, the trial may occur later than these time frames.

If the charged offense is a misdemeanor, the defendant will be arraigned at a Justice Court.

If a defendant enters a plea of “guilty” at arraignment, a sentencing date is set. If the defendant pleads guilty to a misdemeanor at the arraignment, the defendant may be sentenced at that time.

Pretrial Actions/Hearings

After the arraignment and before a trial, there are many activities performed in preparation for trial. By Arizona Rules of Criminal Procedure both the prosecutor and defense must disclose information to the other party. This process, called discovery, includes providing the defense attorney with a copy of the police report and any other written information and includes interviews with prospective witnesses. In Arizona, the defense has the right to interview all of the State's witnesses prior to trial or a plea agreement. As the victim, you have the right to refuse to submit to a pre-trial interview, deposition or other discovery request by the defendant, the defendant's attorney or other person acting on behalf of the defendant. If anyone approaches you about the case, you should insist that he/she identify him/herself as representing either the prosecution or the defense.

In addition to discovery, there may be several court hearings that are scheduled before the trial. At the court hearings, called Pre-trial Conferences, Status Conferences or Pre-trial Hearings, motions may be heard from either the prosecutor or the defense regarding the admissibility of evidence, pre-trial release of the defendant or other matters of concern to the attorneys or the court. Unless you are subpoenaed to appear for a pre-trial hearing, you do not need to be present, unless you so desire.

Competency of the Defendant

If a defense attorney thinks that a defendant may not be competent to stand trial because the defendant cannot assist in his/her defense, the defense attorney may request that the court order a psychiatric evaluation of the defendant. The court may order that the defendant submit to a psychiatric evaluation (commonly called a "Rule 11 evaluation") conducted by two doctors appointed by the court. Typically the Rule 11 process takes at least one month. A hearing is then scheduled for the Judge to decide if the defendant is or is not competent to stand trial. After hearing testimony and/or reviewing the reports of the doctors, the Judge makes a determination about the competency of the defendant. If the Judge determines that the defendant is competent,

the case proceeds through the criminal justice process. If the defendant is found to be incompetent, the Judge will order a second evaluation to determine if the defendant needs mental health treatment. A Judge may order that the defendant undergo mental health treatment until he/she becomes competent. When the defendant becomes competent, the case proceeds through the criminal justice process. If a Judge determines that the defendant is incompetent and will not become competent in the near future, the Judge has two options. Under certain circumstances, the Judge may order that the defendant be involuntarily committed to the Arizona State Hospital for mental health treatment. If the defendant is not civilly committed, the Judge may dismiss the charges and the defendant is then released from custody.

Even if the defendant has been determined to be competent, the defendant is still allowed to raise an insanity defense at trial.

Plea Agreements

Before the trial, the Deputy County Attorney prosecuting the case may discuss the possibility of a negotiated case settlement with the defense attorney. The defense attorney may seek an agreement enabling the defendant to plead guilty to the original charge(s) or to some lesser charge(s), a dismissal of certain charges, a commitment from the Deputy County Attorney not to file additional charges, or an agreement to recommend a particular sentence. The Deputy County Attorney would like to confer with you about a plea agreement before it is entered in court. Please contact the Deputy County Attorney or Victim Witness Advocate to express your opinion about a plea agreement.

If an agreement is reached, the attorneys and the defendant appear before a Judge for a change of plea hearing. The defendant enters a plea of guilty as agreed, and signs a form declaring that he/she is knowingly giving up various rights, including his/her right to a trial and the right to cross examine witnesses. As a victim, you have the right to be present and to make a statement expressing your opinion about the plea agreement. The Judge may consider your opinion when deciding

whether or not to accept the plea agreement. Upon the acceptance of the plea agreement the Judge will enter a finding of guilt against the defendant.

Trial

If a plea agreement is not reached, the case may go to trial. All parties to the case including the prosecution witnesses and defense witnesses will be subpoenaed (summoned) in advance to testify before a Judge, or a Judge and jury. Witnesses are excluded from the courtroom until they are finished testifying. The argument for this rule is to ensure that a witness isn't influenced by the testimony of another witness. As the victim, you have the right to be present throughout the trial.

Once the jury is selected and sworn, the prosecution and the defense make opening statements to the jury to explain the case. The Deputy County Attorney then presents the case against the defendant. It is the responsibility of the State to prove "beyond a reasonable doubt" that a crime was committed and the defendant is guilty of committing the crime. To meet this burden of proof, the Deputy County Attorney presents evidence and calls witnesses to testify. Witnesses are required to testify under oath and may be cross-examined by the defense attorney.

After the prosecutor presents the case against the defendant, the defense has an opportunity to present its evidence. On advice of counsel, the defendant may or may not testify. As is the case with the prosecution witnesses, defense witnesses are subject to cross-examination by the prosecutor.

Following the defense's case, rebuttal witnesses may be called by the prosecutor to discredit statements and facts presented by the defense. At the end of the trial, attorneys for the prosecution and defense make their final arguments to the Judge or the jury. The Judge instructs the jury in matters of law as applied to the case and about the duty of the jury.

The prosecution must prove its case "beyond a reasonable doubt". Since a unanimous verdict is required by law, a jury that is unable to reach agreement on a verdict is declared "hung" by the Judge. The State may then request that the case be retried within sixty

(60) days. If the jury returns a verdict of "not guilty", it means that, in the jury's opinion, the State failed to prove the case beyond a reasonable doubt and the defendant is released. If this occurs, the State cannot appeal the jury's verdict and the matter cannot be retried. If the jury returns a verdict of "guilty", the Judge sets a sentencing date.

Sentencing

If the defendant pleads guilty, or if the defendant is found guilty, the Judge will set a date for the defendant to be sentenced. In felony cases, sentencing will generally be held within thirty (30) days. In the meantime, the court will request a Pre-Sentence Report on the defendant from the Maricopa County Probation Department only for felony cases.

This report discusses the defendant's life and any other crimes he/she may have committed and will contain a recommendation for a specific sentence. The Probation Officer will contact the victim(s) as part of the investigation. The victim may also submit a written statement to the Judge through the Probation Officer. This statement may contain the victim's request for restitution (repayment of monetary losses suffered by the victim). In some situations, when either the Deputy County Attorney or the defense attorney have strong feelings about the recommended sentence, testimony especially relevant to the sentence, may be heard at a special sentencing hearing. If you are the victim of a felony, you are allowed to make a statement to the Judge at the time of the sentencing.

Arizona law requires the Judge to order the defendant to pay restitution if the victim has suffered a monetary loss directly related to the crime. Restitution will be paid as a condition of probation or parole. Restitution payments are paid to the Clerk of the Court, who then mails the payments to the victim.

Probation, Prison, Parole or Community Supervision

If the defendant is placed on probation, he/she will be under many restrictions of conduct and travel. Any inappropriate action by a defendant placed on probation, including unauthorized contact with victims and

witnesses, should be reported to the Maricopa County Adult Probation Office.

On January 1, 1994 Arizona's sentencing structure (called the criminal code) changed. The revisions in the criminal code are to provide for "truth in sentencing". The changes in the law will ensure that defendants who are sentenced to the Department of Corrections will serve the majority of the prison term ordered by the Judge. Many of the early release mechanisms allowed for inmates sentenced for crimes that occurred prior to January 1, 1994 will not be allowed. If the sentencing Judge orders a defendant to serve a prison sentence, the defendant must serve at least 85% of the sentence imposed. At the time of sentence, the Judge will also order the defendant to serve a term of community supervision following the prison term. The term of community supervision will be equal to 15% of the total prison term. During the time the offender is being supervised in the community, the offender will report to a parole officer and must abide by certain restrictions on his/her activities. If the offender violates the terms of the community supervision, he/she may be ordered by the Judge to serve the remainder of the term of community supervision in prison.

If the crime occurred prior to January 1, 1994, the Judge must sentence the offender to a sentence that was the law at the time the offense occurred. If a defendant is convicted of committing a crime in 1993 or earlier, and the Judge sentences the offender to be imprisoned in the Department of Corrections, he/she may become eligible for parole unless the crime requires the defendant to serve "flat time" or every day of the sentence. The Arizona Board of Executive Clemency (formerly the Arizona Board of Pardons and Paroles), a separate state agency from the Arizona Department of Corrections, is the agency that determines if the inmate is to be released from prison on parole. If he/she is released on parole, the Arizona Department of Corrections, Parole Division, is responsible for

supervising him/her, and they should be contacted if any problems occur.

As a victim, you have the right to be notified of a parole hearing by the Arizona Board of Executive Clemency, and you have the right to be heard at any parole hearing. You also have the right to be informed by the Arizona Department of Corrections, on request, when the inmate is released from prison. The Arizona Department of Corrections will notify you if the inmate escapes, even if you did not request this notification.

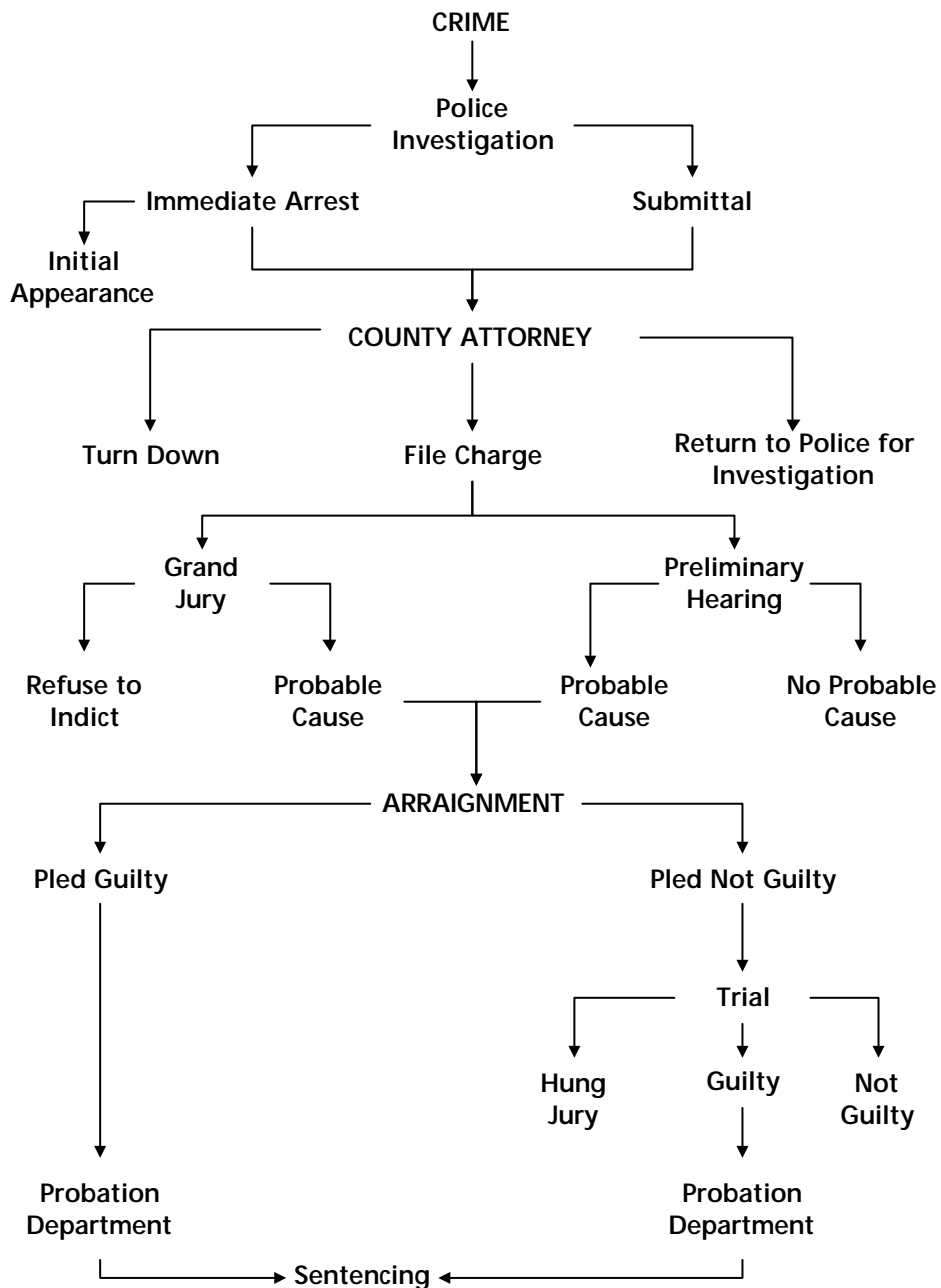
Appeals

After a defendant has been convicted of a crime, he/she has the right to appeal his/her conviction and/or sentence. An appeal is a formal request from the defendant and/or the defendant's attorney asking for an appellate court to review the case to determine if all of the defendant's rights were observed and that the procedures and laws were followed. Depending on the type of appeal, either the Maricopa County Attorney's Office or the Arizona Attorney General's Office will handle the appeal on behalf of the State. Cases are reviewed on appeal in writing. In some cases oral arguments of the attorneys are heard by the court. The testimony of victims and witnesses is not allowed.

If you would like to be notified of any appeals of a felony conviction to a higher court, you may contact the Arizona Attorney General's Office Victim Rights and Witness Assistance Program at 542-4911 or 1-800-458-4911 (toll free within Arizona). The Arizona Attorney General's Office Victim Witness Assistance Program will then notify you of the status and outcome of any appeal to a higher court.

This is a very simplified explanation of how the Criminal Justice System operates. It may not explain how a particular case will be handled. Further information may be obtained by calling the Victim Witness Division at (602) 506-8522.

Adult Case Flow



COMMON CONCERNS

For most people, their involvement in the criminal justice system as a result of being a victim of a crime or a witness to a crime raises many concerns. It is our desire to minimize any hardships that you may encounter.

Personal Property

The successful prosecution of a person accused of committing a crime entails presenting evidence to a Judge and jury. Very often, law enforcement agencies will keep stolen property or property that is needed as evidence to prove the case. Property that is kept for this purpose must be held throughout the criminal justice process, including the trial and appeal.

In some cases, property may be photographed and returned to its rightful owner. If you have any questions about the return of your property that has been recovered or taken for evidentiary purposes, please contact the detective, Deputy County Attorney or Victim Witness Advocate.

Transportation

The Maricopa County Attorney's Office has offices in downtown Phoenix near the Superior Courts and Mesa. The Juvenile Division is located in west Phoenix and in Mesa.

In most circumstances, victims and witnesses will be asked to come to the Maricopa County Attorney's Office for an interview or trial. The downtown office is convenient to a majority of bus routes. If you travel downtown by private vehicle, please locate parking in one of several parking lots in the vicinity. Please be aware that the office cannot pay for tickets for expired metered parking.

If you have problems with transportation, please advise the Deputy County Attorney handling the case or the Victim Witness Advocate.

Pre-Trial Interviews

The Arizona Rules of Criminal Procedure allow the attorney for the defendant to interview all the State's

witnesses before trial and for the Deputy County Attorney to interview the witnesses for the defendant before trial, in order to more fully prepare their cases. As a victim, you have the constitutional right not to talk to the defendant's attorney or investigator. You may discuss the case with them if you wish to do so. The choice is entirely your own. You may simply say "I'm sorry, but the answer is no." However, if you do agree to an interview with a representative of the defense, here are some suggestions on how to deal with it.

First and foremost, you should always do your very best to tell "the truth, the whole truth, and nothing but the truth."

If you give a statement to an attorney or an investigator for the government or the defense, you do not have to sign the statement. Any statement that you make during an interview, even if not signed, may be used to try to challenge or discredit your testimony in court, if your court testimony differs from the first statement. This applies even to oral statements that are not reduced to writing at all.

If you decide to sign the statement, make sure that you read it over very carefully beforehand, and correct any mistakes.

Ask to have a copy. Whether you sign the statement or not, you may tell the defense attorney or defense investigator that you will refuse to give a statement unless you receive a copy of it.

If you agree to have an interview with the defendant's attorney or investigator, please let the Deputy County Attorney know. You may set whatever conditions that you would like on this interview. Some of these conditions may include:

- Not agreeing to be interviewed if the defendant is present for this interview.
- Scheduling the interview at your convenience and requesting that the Deputy County Attorney be present. The defense attorney's job is to protect the rights and interests of the defendant. The Deputy County Attorney can assist you in asserting your rights as a victim and to protect your interests during

the interview.

Pre-trial interviews are frequently conducted in the Deputy County Attorney's Office. Usually the interview is tape recorded to preserve your answers. Occasionally, a court reporter may be present for this purpose.

You have the right to have a supportive person with you during this interview. This person may not answer questions for you or interrupt the interview.

Because this is an informal interview, you are allowed to take breaks for something to drink or to use the restroom.

The following are additional tips for the interview.

- Always answer the questions asked of you truthfully.
- Before the interview, try to picture what happened so that you can recall the event accurately when you are questioned.
- Speak up. Do not nod "yes" or "no", say it. If the answer requires more than a yes or no answer, ask to explain your answer.
- If you do not understand the questions, say so.
- If you did not hear a question, ask for it to be repeated.
- If you do not know the answer, say "I don't know." Do not guess.
- If you are estimating time or distance, say it is an estimate.
- Answer questions fully, but do not volunteer information that isn't asked for.
- If you make a mistake in an answer, say so and correct it.
- Do not lose your temper or curse at attorneys. Try to remain calm so that you can give a correct answer to a question.

If you have any questions, please contact the Victim Witness Advocate assigned to your case.

Testifying in Court

When you are called to court as a witness, you will receive a subpoena. The subpoena tells you the date, time and place where you are to appear. The subpoena usually has a telephone number for you to call the afternoon before you are scheduled to appear. Please remember to call that number. Frequently, court dates are continued and you will know this if you take the

time to make that call. This will save you from coming to court unnecessarily.

Normally, witnesses are not allowed in the courtroom before they testify. The reason for this is so that their testimony won't be influenced by what they hear from other witnesses.

As the victim you have the constitutional right to be present throughout the trial. However, if you decide you would rather not do this, there are waiting rooms outside the courtroom and at the Victim Witness Office. The Judge's bailiff will call your name and escort you into the courtroom when it is your turn to testify. When you have finished testifying you may remain in the courtroom if you wish.

Prior to taking the witness stand, the Judge's clerk will ask your name and ask you to take the oath. The oath is your promise that you will tell the truth when testifying.

The bailiff will escort you to the witness stand. When you are seated, the microphone will be adjusted so that you are comfortable and you can be heard.

Tips to Testifying

- Dress appropriately. A neat and clean appearance is important.
- Be on time. You may want to bring a book or magazine with you in case you have to wait.
- Review the case in your mind a day or two before court to help to remember what occurred. You may ask the Deputy County Attorney to let you review any statement you gave in order to refresh your memory.
- When on the witness stand, listen carefully to the questions. Answer any question that is asked without offering extra information.
- Speak loudly enough and clearly enough for the Judge, the jury and the court reporter to hear you. Do not chew gum when you are testifying.
- Stop testifying when one of the attorneys "objects" to a question or if the Judge asks you to. Do not answer the question until the Judge tells you what to do. If you are told to answer the question, you may ask the attorney to repeat it.
- Do not be afraid to say that you have discussed the facts of the crime with other people such as your

family, the police, the Deputy County Attorney or the Defense Attorney, if you agreed to a pre-trial interview.

- During the trial, do not discuss your testimony with anyone except the attorney — this includes your family or other witnesses. After the jury has reached a verdict, you may discuss your testimony and the testimony of others. To do so beforehand may cause a mistrial.
- Do not discuss your testimony or the case in the presence of jurors. This may cause a mistrial. Be especially cautious in hallways, the elevator or in the cafeteria.
- As a witness, your testimony is important. Always tell the truth.

Tips for Attending Court Proceedings

- Have friends and family sit on the prosecutor's side of the courtroom. This is always the side where the jury is seated.
- Stand whenever the Judge or jury enter or exit the courtroom.
- As difficult as it may be, try not to show emotion, shake or nod your head or talk during court proceedings. Doing so could cause a mistrial. If something is upsetting you, quietly leave the courtroom.
- When the court is in recess NEVER discuss the case while in the courthouse. If a juror were to overhear you or family and friends discussing the case in the hallway, cafeteria, restroom, etc., this could cause a mistrial.
- Do not chew gum, eat or drink in the courtroom.

Witness Fees

Arizona does not provide for witness fees in criminal cases. In limited circumstances, funds may be available to assist the State's witnesses with transportation expenses, especially if you live outside Maricopa County.

Victim Compensation

If you have been the victim of a violent crime committed in Maricopa County, you may be eligible for victim compensation to assist you with financial

expenses that you may have incurred.

In Arizona, victim compensation is funded by fees paid by convicted felons. The state, through local boards, disburses compensation to eligible victims of crime. The Maricopa County Attorney's Office Victim Compensation Bureau is the local victim compensation agency for Maricopa County.

You can apply for:

- medical expenses,
- funeral expenses,
- loss of wages related to injuries sustained during the crime, and
- mental health counseling.

You may be eligible for victim compensation if you:

- are legally present in the United States,
- are victimized in Maricopa County,
- report the crime to a police agency within 72 hours,
- willingly cooperate with appropriate law enforcement agencies,
- incur economic loss for the above compensable expenses,
- suffer physical injury, extreme mental distress, or the death of a family member as a direct result of the crime, and
- file an application with the Victim Compensation Bureau within one year of the crime.

Compensation is not available for:

- property loss or damage,
- pain and suffering,
- expenses that would benefit the offender, or
- a person serving a term of incarceration, including home arrest or work furlough.

To file a claim, contact:

Maricopa County Attorney's Office
Victim Compensation Bureau
301 West Jefferson
Phoenix, AZ 85003
Telephone: (602)506-4955

Restitution

Restitution is an order by the court for the offender to reimburse you for your out-of-pocket expenses directly related to the crime. Restitution is ordered at the time of sentencing and may include expenses for: lost property,

medical, funeral or counseling expenses, and lost wages. Restitution cannot be ordered for “pain and suffering”. If a jail or prison term is ordered, the adult offender will begin paying restitution once released. The Judge will order that the defendant pay restitution in a monthly sum to the Clerk of the Court. The Clerk of the Court is responsible for disseminating checks to all of the victims or agencies that suffered out-of-pocket expenses as a result of the crime, for example, your insurance company.

If you want to insure that restitution is ordered, it will be important to keep receipts of your expenses. When you are contacted by the pre-sentence investigator, inform him/her of your losses and mail the pre-sentence investigator copies of your receipts. The pre-sentence investigator will then include a recommendation for restitution in his/her report to the Judge at the time of sentencing.

If you have any questions regarding restitution, please contact the Victim Witness Advocate assigned to your case.

Counseling

For the majority of victims, the criminal act will often throw their lives into turmoil. The degree to which this occurs is dependent on a number of things. Many victims of serious crimes have stated that counseling assisted them in recovering from the crime.

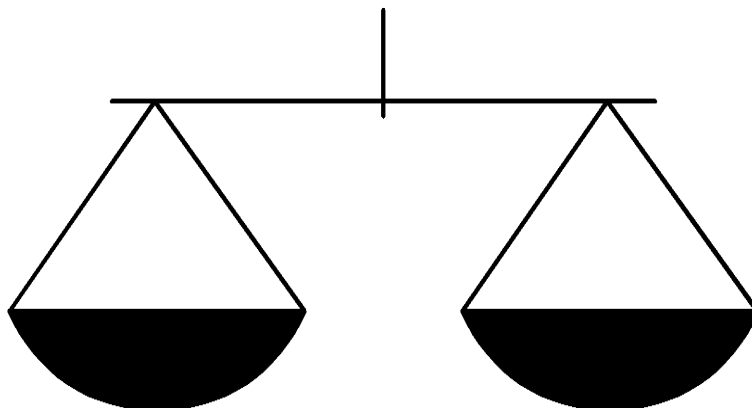
As the victim of a crime, it may be beneficial to seek counseling to help you cope with the emotional turmoil arising from the crime. Counseling need not be long term and it doesn’t mean you are “going crazy”. Talking with a trained and objective counselor may help you realize that some of the emotional problems that you may be experiencing are quite normal.

There are many counseling centers and counselors in the Phoenix metropolitan area that are specially trained in providing assistance to crime victims. Many agencies provide counseling on a sliding scale, depending on your income. Most health insurance policies also provide for counseling services.

If you would like more information about counseling or would like to be referred to a counselor in your area, please call the Victim Witness Division.

Civil Lawsuits

If you are a victim of a crime, you may file a civil lawsuit against the offender or any other entity you believe to be at fault for your victimization. You may file a civil lawsuit yourself or you may seek the assistance of an attorney. The Maricopa County Attorney’s Office cannot assist you with a civil lawsuit. If a defendant enters a guilty or no contest plea or is convicted at trial, this may be admissible in a civil lawsuit.



DEFINITIONS

Accused — a person or entity accused of committing a crime.

Acquitted — the term used when a jury or Judge returns a verdict of not guilty, which means that the jury or Judge didn't find that the State proved that the defendant committed the crime beyond a reasonable doubt.

Appeal — the process by which a defendant requests that his/her conviction is reviewed by a higher court.

Arraignment — the first court appearance in Superior Court at which the defendant is brought before a Judge to be informed of the charges, enters a plea and further court dates are set.

Arrest — the process of taking a person accused of a crime into custody (jail) by a law enforcement officer.

Bond/Bail — the amount of money that a Judge determines is sufficient to release an accused and assure his/her attendance at later hearings. The accused must post a portion of the bond or is liable for losing the total amount if the accused fails to appear for court.

Charging — the initial legal process where the prosecutor files court papers (by Criminal Complaint or Indictment) accusing a person of committing specific crime(s).

Cross-Examination — questions asked of a witness by the attorney for the party that did not call the witness to testify.

Defendant — a person or entity charged with committing a crime.

Defense Attorney — an attorney employed by the defendant or the Public Defender's Office whose job is to represent the defendant's interests in criminal proceedings.

Deposition — an interview of a witness set by court order, taken under oath and recorded by a court reporter.

Deputy County Attorney (prosecutor) — an attorney employed by the Maricopa County Attorney's Office whose job is to prosecute those accused of committing a felony and some misdemeanors in Maricopa County.

Direct Examination — questions asked by the attorney that called the witness to testify at trial.

Discovery — the process by which the prosecutor and defense attorney learn of the evidence that the other party will present at trial.

Disposition — the final result of a criminal case. This may be by a finding of guilty, not guilty, dismissal or a plea of no contest.

Felony — a criminal charge which is punishable by imprisonment of more than one year in the State Department of Corrections.

Grand Jury — a group of 9 to 16 citizens of Maricopa County who hear evidence presented by the prosecutor and determine if probable cause exists.

Guilty — plea that a defendant enters in court admitting that he/she committed the crime; a verdict returned by a jury or Judge finding that the prosecution has proven beyond a reasonable doubt that the defendant committed the crime(s).

Initial Appearance — a court hearing within 24 hours of a person's arrest at which time a Judge determines if the person may be released on personal recognizance or by bond and setting a time for a preliminary hearing in felony cases or arraignment in misdemeanor cases.

Investigation — the process of collecting evidence by law enforcement officers or the prosecutor to determine if a crime has been committed.

Judge — an attorney that is appointed by the Governor to preside over a Superior Court or an individual that is elected to preside over a Justice of the Peace Court.

Jury — a group of citizens sworn to hear testimony and evidence at a trial and decide if the defendant is guilty or not of committing the crime(s).

Justice of the Peace Court (Justice Court) — a court in a precinct in the county that hears misdemeanor cases occurring in the county and preliminary hearings for felony cases. This court also hears civil cases when the dollar amount in dispute is less than \$10,000.00.

Misdemeanor — a criminal charge which is punishable by a fine or incarceration in the county jail for a maximum of six months.

Mistrial — a trial ends when a rule of criminal procedure has been violated or if the jury cannot reach a unanimous decision.

Motions — a written or oral request by the prosecutor or defense attorney for the Judge to take a specific action.

No Contest Plea — a plea that a defendant enters in court in which he/she does not contest the facts presented by the State, but does not admit guilt. Except under extremely rare circumstances, the court will enter a finding of guilty.

Not Guilty Plea — a statement that a defendant enters at arraignment denying committing the crime(s).

Plea Agreement (plea bargain) — an agreement between the prosecutor and the defendant in which the defendant agrees to plead guilty or no contest to avoid a trial.

Preliminary Hearing — a court hearing in a Justice Court or Preliminary Proceeding Court in which probable cause is determined.

Pre-Sentence Report — a report prepared for a Judge by a pre-sentence investigator of the Maricopa County Adult Probation Department describing the crime, the past behavior of the defendant, the impact of the crime on the victim and recommendation for sentence.

Personal Recognizance — a Judge may allow a person accused of a crime with sufficient ties to the community to insure that he/she will return for future court dates to be released from custody without posting bond.

Pre-Trial Conferences (Pre-trial Hearings) — court appearances in Superior Court before the trial at which motions are heard and the Judge monitors the status of the case.

Pre-Trial Interviews — informal interviews conducted by the prosecutor or defense attorney before the trial at which victims and witnesses are questioned about their knowledge of the crime(s). Victims have the right to refuse to submit to

a pre-trial interview conducted by the defendant, the defendant's attorney, or an investigator for the defendant.

Probable Cause — the amount of proof needed to determine that a crime occurred and the defendant committed the crime in order to proceed with prosecution in felony offenses.

Restitution — the amount of money that the Judge orders the defendant to pay the victim as a condition of the defendant's sentence for the victim's out-of-pocket losses directly related to the crime.

Rule 11 Evaluation — a psychiatric evaluation to determine if the defendant can assist in his/her defense and is competent to stand trial.

Sentence — the determination of the Judge of the punishment that the accused person is to receive.

Subpoena — a written order requiring a person to appear in court at a specific date to give testimony.

Summons — a legal order requiring a defendant to appear in court for an initial appearance or arraignment.

Superior Court — a trial court presided over by a Superior Court Judge in which all felony cases are held, all civil cases in which over \$10,000.00 is in dispute, and in which appeals are heard from Municipal or Justice Court.

Trial — a court proceeding where testimony is presented to a Judge or a jury to determine if the defendant is guilty of committing the crime(s).

Verdict — the unanimous decision of the jury or Judge at the end of the trial that the defendant is guilty or not guilty of committing the crime(s).

Victim — a person or entity against whom a crime is committed.

Warrant — a legal order to a law enforcement agency to arrest the person named in the order.

Witness — a person who has seen or knows something about the crime.